

REMARKS

Claims 1-9, 14-16 and 18-24 are currently under examination and have been rejected by the present non-final Office Action. After entry of the present amendment, Claims 1-9, 14-16 and 18-24 remain pending in this application. The present amendment amends independent claims 1, 14 and 22-24, and dependent claims 2-4, 8-9, 15-16, and 18-21. Reconsideration and examination of the amended application is respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

The Office Action rejected Claims 1-9, 14-16 and 18-24 under 35 U.S.C. §103(a) as being unpatentable over Carlson, U.S. Patent No. 5,053,607 (henceforth "*Carlson*") in view of Nichols, U.S. Patent No. 5,053,607 (henceforth "*Nichols*"). It is believed that a typographical error in the Office Action incorrectly identified *Nichols*' patent number as that associated with *Carlson*, and that the correct patent to *Nichols* should be identified as U.S. Patent No. 6,354,491 (henceforth "*Nichols*"). If the reference associated with *Nichols* is incorrectly cited by the present response, the Examiner is invited to notify the Attorney for the Applicants to clarify identification of the correct reference number.

Carlson fails to explicitly disclose determining eligibility of the transaction for payment via a bank account. Furthermore, *Carlson* fails to disclose providing an electronic authorization response, and receiving an electronic response packet that is transmitted by the terminal. *Nichols* contemplates the use of imaging technology as an enhancement to facilitate POS consumer identification and electronic settlement for approval, but *Nichols* relates to an offline batch process to confirm transactions involving: programming of the point-of-sale terminal to cause an automatic "Dial-Up" to the central computer for query and response sequence affirming or denying the transaction event (*Nichols* [0035], Figs. 4-7). The extra time consuming, and possibly error-producing, non-real-time batch processing step involving the POS terminal, as contemplated in *Nichols*, can be avoided through the use of both a first and second unique transaction identifier.

The present amendment amends claims 1, 14 and 22-24 to clarify that the response packet in the claimed invention of claims 1, 14, and 22-24 can include a first unique transaction

identifier and a second unique transaction identifier comprising at least the first unique transaction identifier. (Emphasis added). These elements are not explicitly taught or suggested by the references cited by the Office Action, either alone or combination with each other. These amendments are fully supported in the Applicants' specification. (See Abstract; paragraphs [0008], [0011-0013], [0029-0031], [0032]; and Figure 2, elements 108-120). For example, Figure 2, items 108-112, depict that an "Electronic Check Acceptance (ECA) Response" is generated, stored and communicated with the terminal. In one embodiment, this is a first unique transaction identifier. Figure 2, items 115-120 also depicts that the "ECA Response Packet Including ECA and Transaction Decision" is captured, communicated from the terminal, and stored on the host. In one embodiment, this is a second unique transaction identifier comprising at least the first unique transaction identifier. The authorization host can compare the first and second transaction identifiers. If the first identifier parts do not match, the transaction is terminated and an error message is sent to the POS. If there is a match, then the settlement between the merchant host and the authorizing host can proceed without the need to initiate further communication with the POS terminal.

In summary, neither *Carlson* nor *Nichols* teaches nor suggests "a first unique transaction identifier and a second unique transaction identifier comprising at least the first unique transaction identifier." For at least the reasons provided above, amended independent claims 1, 14, 22, 23, and 24 should be allowable over the cited references.

Claims 2-9, 15-16, 18, and 20 are ultimately dependent from either independent claims 1 or 14, for which arguments of patentability have been provided above. If the base independent claims are allowable over the cited references, the corresponding dependent claims should also be in condition for allowance.

Claim Rejections Under 35 U.S.C. § 101

Claims 14-16, 20 and 21 were rejected under 35 U.S.C. §101 as allegedly directed to nonstatutory subject matter. To clarify the scope of the claimed invention, independent claim 14 is amended to include "a computer-readable medium comprising computer-readable instructions". Dependent claims 15-16, and 20-21 have been amended accordingly. Attorney for

the Assignee believes that the rejection has been traversed, and amended claims 14-16 and 20-21 are in condition for allowance.

Claim Rejections Under 35 U.S.C. § 112

Claims 19, 21, 22 and 24 were rejected under 35 U.S.C. §112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Office Action asserts that the term “sufficient” is not defined by the claims and thus it is unclear which transactions are or are not subject to the claim limitations. To clarify the scope of the claimed invention, claims 19 and 21 have been amended to omit the term “sufficient”, and claims 22 and 24 are amended to clarify that “determining eligibility of the transaction for payment via a bank account, wherein determining eligibility is based at least in part on rules provided by either an authorization host or a financial institution. (Emphasis added). Attorney for the Assignee believes the rejection has been traversed, and claims 19, 21, 22, and 24 are now in condition for allowance.

CONCLUSION

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029. If the Examiner believes a telephone conversation would facilitate the examination of this application, Applicants invite the Examiner to call the Attorney below at any time.

Respectfully submitted,



Christopher J. Chan
Attorney for the Assignee
Reg. No. 44,070

DATE: JUNE 26, 2008

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree Street NE
Atlanta, Georgia 30309-3996
Telephone: (404) 853-8049
Facsimile: (404) 853-8806
(First Data 014000US)

Attorney Docket No.: 34250-0881